

FILED

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APR 07 2017

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF ILLINOIS

THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURTRECEIVED
2016 SEP 19 PM 5:42
CLERK
U.S. DISTRICT COURTVictor Murray

Plaintiff(s),

Case Number: 16CV09064

v.

Blinderman Construction, Inc.MR. Steve Blinderman

Defendant(s).

MR. David BlindermanMR. Hawbier Zerody

or "Xavier")

* Amended complaint *4/7/17
V.M.M.**COMPLAINT OF EMPLOYMENT DISCRIMINATION**

1. This is an action for employment discrimination.
2. The plaintiff is MR. Victor MURRAY of the
county of COOK in the state of ILLINOIS.
3. The defendant is Blinderman Construction, CO. Inc., whose
street address is 224 North Des Plaines St. Chicago, IL 60661
(city) Chicago (county) COOK (state) IL (ZIP) 60661
Des Plaines
- (Defendant's telephone number) (312) - 982-2600
Direct Phone # For Mr. Steve Blinderman, Company owner: (312) 982-2587
4. The plaintiff sought employment or was employed by the defendant at (street address)
Midway Airport project site office 5207 W. 65th (city) Chicago
(county) COOK (state) ILL. (ZIP code) 60638

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5. The plaintiff [*check one box*]

** Hired by general contractor (Blinderman co.), but denied the opportunity to work.*
 (a) ☒ was denied employment by the defendant.

(b) ☐ was hired and is still employed by the defendant.

(c) ☐ was employed but is no longer employed by the defendant.

6. The defendant discriminated against the plaintiff on or about, or beginning on or about, (month) May, (day) 11, (year) 2015.

7.1 (*Choose paragraph 7.1 or 7.2, do not complete both.*)

(a) The defendant is ~~not~~ a federal governmental agency, and the plaintiff [*check one box*] ☒ has ☐ has not filed a charge or charges against the defendant

asserting the acts of discrimination indicated in this complaint with any of the following government agencies:

(i) ☒ the United States Equal Employment Opportunity Commission, on or about

(month) March (day) 1st (year) 2016.

~~(ii) ☐ the Illinois Department of Human Rights, on or about~~

~~(month) June (day) 9th (year) 2016.~~

(b) If charges ~~were~~ filed with an agency indicated above, a copy of the charge is attached. ☒ Yes, ☐ No, **but plaintiff will file a copy of the charge within 14 days.**

It is the policy of both the Equal Employment Opportunity Commission and the Illinois Department of Human Rights to cross-file with the other agency all charges received. The plaintiff has no reason to believe that this policy was not followed in this case.

7.2 The defendant is a federal governmental agency, and *N/A*

(a) the plaintiff ~~previously~~ filed a Complaint of Employment Discrimination with the

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~~7/10 Fed... 3 N/A~~
defendant asserting the acts of discrimination indicated in this court complaint.

~~☐ Yes (month) _____ (day) _____ (year) _____~~

~~☐ No, did not file Complaint of Employment Discrimination~~

~~(b) The plaintiff received a Final Agency Decision on (month) _____
(day) _____ (year) _____.~~

~~(c) Attached is a copy of the~~

~~(i) Complaint of Employment Discrimination,~~

~~☐ Yes ☐ No, but a copy will be filed within 14 days.~~

~~(ii) Final Agency Decision~~

~~☐ Yes ☐ NO, but a copy will be filed within 14 days.~~

8. (Complete paragraph 8 only if defendant is not a federal governmental agency.)

(a) ☐ the United States Equal Employment Opportunity Commission has not
issued a *Notice of Right to Sue*.

(b) ☒ the United States Equal Employment Opportunity Commission has issued
a *Notice of Right to Sue*, which was received by the plaintiff on
(month) June (day) 22nd (year) 2016 a copy of which
Notice is attached to this complaint.

9. The defendant discriminated against the plaintiff because of the plaintiff's [**check only
those that apply**]:

(a) ☐ Age (Age Discrimination Employment Act).

(b) ☒ Color (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).

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- (c) ☐ Disability (Americans with Disabilities Act or Rehabilitation Act)
- (d) ☐ National Origin (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
- (e) ☒ Race (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
- (f) ☐ Religion (Title VII of the Civil Rights Act of 1964)
- (g) ☐ Sex (Title VII of the Civil Rights Act of 1964)

10. If the defendant is a state, county, municipal (city, town or village) or other local governmental agency, plaintiff further alleges discrimination on the basis of race, color, or national origin (42 U.S.C. § 1983).

11. Jurisdiction over the statutory violation alleged is conferred as follows: for Title VII claims by 28 U.S.C. §1331, 28 U.S.C. §1343(a)(3), and 42 U.S.C. §2000e-5(f)(3); for 42 U.S.C. §1981 and §1983 by 42 U.S.C. §1988; for the A.D.E.A. by 42 U.S.C. §12117; for the Rehabilitation Act, 29 U.S.C. § 791.

12. The defendant [*check only those that apply*]

- (a) ☐ failed to hire the plaintiff.
- (b) ☐ terminated the plaintiff's employment.
- (c) ☐ failed to promote the plaintiff.
- (d) ☐ failed to reasonably accommodate the plaintiff's religion.
- (e) ☐ failed to reasonably accommodate the plaintiff's disabilities.
- (f) ☐ failed to stop harassment;
- (g) ☐ retaliated against the plaintiff because the plaintiff did something to assert rights protected by the laws identified in paragraphs 9 and 10 above;

(h) ☒ other (specify): *Hired the plaintiff, But denied the opportunity to work & earn pay!*

[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

12. (If you need additional space for ANY section, please attach an additional sheet and reference that section.)

(h)

Cont.

In or around April 2015, I applied for Carpenter position with the defendant company, and was supposedly hired. Since April & May of 2015 to the present time, I have not been allowed the chance to work & earn pay. However, I was told to report to work within one week shortly after passing the company drug-testing....

13. The facts supporting the plaintiff's claim of discrimination are as follows:

I had been repeatedly given excuses, "Put on the back-burner," and even outright lied to about my hiring and placement for work assignment all of this time by Supervisors of this Construction company! The Midway Airport Housing Project has certain Chicago Community hiring compliances that must be met by contractors. It is quite clear to anyone who is willing to see the "truth" that this Contractor, Blinderman Const. Co., had simply used me as a "ghost employee" to cover their tracks in their contract hiring compliance issues!

14. [AGE DISCRIMINATION ONLY] Defendant knowingly, intentionally, and willfully discriminated against the plaintiff.

Not allowing me to work was discriminatory!

15. The plaintiff demands that the case be tried by a jury. ☒ Yes ☐ No

16. THEREFORE, the plaintiff asks that the court grant the following relief to the plaintiff [check only those that apply]

- (a) ☐ Direct the defendant to hire the plaintiff.
- (b) ☐ Direct the defendant to re-employ the plaintiff.
- (c) ☐ Direct the defendant to promote the plaintiff.
- (d) ☐ Direct the defendant to reasonably accommodate the plaintiff's religion.
- (e) ☐ Direct the defendant to reasonably accommodate the plaintiff's disabilities.
- (f) ☒ Direct the defendant to (specify): reasonably compensate plaintiff due to the defendant's apparent acts of "discrimination," "nepotism" and "patronage" for the loss of pay & income equal to the period of time

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96.

(F)

cont.

... From first date of discrimination (approx. May 11, 2016)
to time of Filing Law Suit (approx. Sept. 22, 2016). pay at
the current carpenter union rate \$44.35 per hour = \$

(g) ☒ If available, grant the plaintiff appropriate injunctive relief, lost wages, liquidated/double damages, front pay, compensatory damages, punitive damages, prejudgment interest, post-judgment interest, and costs, including reasonable attorney fees and expert witness fees.

(h) ☒ Grant such other relief as the Court may find appropriate.

Victor M. Murray
(Plaintiff's signature)

VICTOR M. MURRAY
(Plaintiff's name)

6727 South Maplewood Ave.
(Plaintiff's street address)

(City) Chicago (State) IL. (ZIP) 60629

(Plaintiff's telephone number) (872) - 238-8094

Date: Sept. 10th, 2016

[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

EEOC Form 5 (11/09)

CHARGE OF DISCRIMINATION This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.		Charge Presented To: Agency(ies) Charge No(s): <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="margin-top: 10px;"> <input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC </div> <div style="text-align: right; margin-top: 10px;"> 846-2016-13350 </div> </div>	
and EEOC			
State or local Agency, if any			
Name (indicate Mr., Ms., Mrs.) Mr. Victor M. Murray		Home Phone (Incl. Area Code) (773) 434-9791	Date of Birth 02-16-1966
Street Address City, State and ZIP Code 6727 South Maplewood Avenue, Basement Apt., Chicago, IL 60629			
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name BLINDERMAN CONSTRUCTION		No. Employees, Members 101 - 200	Phone No. (Include Area Code) (312) 982-2587
Street Address City, State and ZIP Code 224 North DesPlaines Avenue, Suite 650, Chicago, IL 60661			
Name 		No. Employees, Members 	Phone No. (Include Area Code)
Street Address City, State and ZIP Code 			
DISCRIMINATION BASED ON (Check appropriate box(es).) <div style="display: flex; flex-wrap: wrap; padding: 5px;"> <div style="margin-right: 10px;"><input checked="" type="checkbox"/> RACE</div> <div style="margin-right: 10px;"><input type="checkbox"/> COLOR</div> <div style="margin-right: 10px;"><input type="checkbox"/> SEX</div> <div style="margin-right: 10px;"><input type="checkbox"/> RELIGION</div> <div style="margin-right: 10px;"><input type="checkbox"/> NATIONAL ORIGIN</div> <div style="margin-right: 10px;"><input type="checkbox"/> RETALIATION</div> <div style="margin-right: 10px;"><input type="checkbox"/> AGE</div> <div style="margin-right: 10px;"><input type="checkbox"/> DISABILITY</div> <div style="margin-right: 10px;"><input type="checkbox"/> GENETIC INFORMATION</div> <div style="margin-right: 10px;"><input type="checkbox"/> OTHER (Specify)</div> </div>			DATE(S) DISCRIMINATION TOOK PLACE Earliest Latest <div style="text-align: right; margin-top: 10px;">11-01-2015</div> <div style="margin-top: 10px;"><input type="checkbox"/> CONTINUING ACTION</div>
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)): In or around April 2015, I applied for the position of Carpenter and I was hired. Since April 2015 to the present, I have not been allowed to work. I believe that I have been discriminated against because of my race, Black, in violation of Title VII of the Civil Rights Act of 1964, as amended.			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures. I declare under penalty of perjury that the above is true and correct.		NOTARY – When necessary for State and Local Agency Requirements I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)	
<div style="display: flex; justify-content: space-between; align-items: flex-end;"> <div style="text-align: center;"> Mar 30, 2016 Date </div> <div style="text-align: center;"> Charging Party Signature </div> </div>			

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Victor M. Murray**
6727 South Maplewood Avenue
Basement Apt.
Chicago, IL 60629

From: **Chicago District Office**
500 West Madison St
Suite 2000
Chicago, IL 60661



On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

846-2016-13350

Mark E. Leff,
Investigator

(312)-869-8010
(312) 869-8176

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:



The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

Julianne Bowman
Julianne Bowman,
District Director

6/10/16

(Date Mailed)

Enclosures(s)

cc:

Sema Lakhani
Lead HR Consultant
Blinderman Construction, Inc.
224 North Des Plaines Street
Suite 650
Chicago, IL 60661